



Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

DOGM
MINERALS PROGRAM
FILE COPY

December 10, 1990

TO: Minerals File

FROM: Holland Shepherd, Reclamation Specialist *HWS*

RE: Kell's Mine, Operator Brian Light, S/049/017, Utah County, Utah

Date of Inspection: December 5, 1990

Time of Inspection: 10:30 - 12:30 a.m.

Attendees: Mrs. Brian Light; Holland Shepherd, DOGM

I visited the Kell's Mine operated by Mr. Brian Light, in response to a phone call from Mr. Bruce Giunta, a Wildlife Conservation Officer working out of the Spanish Fork District Office. Mr. Giunta was concerned that there was unpermitted mining activity taking place on state ground and that the operation may have trespassed onto Wildlife Resource property. The operator has filed a Notice of Intent with this Division. However, the type of activity is not environmentally sound, and it may not be acceptable to State Lands and Forestry's restrictions on living arrangements on state property.

The operator has constructed a small cabin/shack and outhouse in the flood plain of Starvation Creek. The structures are located as close as 10-15 feet from the meandering creek bed. The creek is perennial at the site. The operator has constructed the shack and outhouse in what is an area inhabited by riparian vegetation, mainly willows.

The site is accessed by taking the Tucker turnoff, from Highway 50 and traveling northwest about 1 mile. The legal location, of the site is SE1/4, NE1/4, Sec. 26, T10S, R6E. I have placed it (without making an accurate survey), at the extreme southern end of the NE quarter of Section 26.

The operator has constructed a short access road, about 400 feet in length, to the site of disturbance. The site is within the 5-10 year flood plain of Starvation Creek, and therefore poses an environmental hazard to the creek. Disturbance has already occurred to the riparian area associated with the creek, from the construction of

Page 2
Kell's Mine
S/049/017
December 10, 1990

the operator's facilities. Also, contamination from outhouse facilities, poses a potential problem to the water quality of Starvation Creek.

Little in the way of actual mining activity is evident on the site. Mrs. Light indicated to me that Brian has been doing some sampling at various locations on the site. Most of his sampling has been done in the stream channel itself. However, at this time, very little disturbance to the stream channel has occurred.

I spoke to Mrs. Brian Light, or Kellen Light, who informed me that Brian was not onsite at the time of my arrival, he apparently had gone to Salt Lake City. On my arrival, I encountered Mrs. Light and two, perhaps three, small children. Two children between the ages of 3 and 4, and I believe that there was also an infant; all four were staying in the cabin at the time of my arrival. Mrs. Light indicated to me that they were not living on the site, simply helping husband, Brian, who is doing mine work on the site. However, much evidence to the contrary exists on the site. The shack has been constructed to accommodate overnight stays or longer. A coal burning stove has been installed in the cabin and various provisions: coal, propane bottles, and food for long term tenancy, are present on the site.

Mrs. Light informed me that the family maintains a home, which they use in Mapleton, Utah, and where they stay most of the time. I visited the address in Mapleton, given to me by Brian, on my way back from the Kell's mine to Salt Lake City. I stopped at 410 East 1600 North, Mapleton. I spoke to a woman there by the name of Mrs. Edmonds, who indicated to me that the Lights did not live at that residence. She did say, however, that Brian does take phone messages there. She also indicated that she had no idea where the Lights currently live.

I informed Mrs. Light that the construction of a living unit and an outhouse, so close to a perennial stream channel, was unacceptable and these buildings would have to be moved to a different area. I also informed her that an outhouse on the site would have to be permitted with State Health before it could be used legally. She informed me that Brian had tried to be as conscientious as possible, in looking out for environmental problems when developing these structures onsite, taking into consideration impacts to vegetation and the stream channel itself.

I informed Mrs. Light that the lease had not been approved by State Lands and Forestry and this still needed to be done. State Lands and Forestry would require that a permit disturbance description be made of the site and also that a bond be posted for the site. I also informed her that I would have to sit down with Jerry Mansfield, at

Page 3
Kell's Mine
S/049/017
December 10, 1990

State Lands and Forestry and decide what to do in regards to the already unpermitted activity onsite.

The day following this inspection Mr. Jerry Mansfield and I met with Mr. Light at the Division offices. We discussed the problems encountered on the site and plans to resolve them.

Mr. Light explained that he does in fact maintain his chief residence in Mapleton, Utah, but that the landlords have been instructed to deny his whereabouts to unknown entities. He also explained that his wife and children do stay at the site for several days at a time to discourage vandalism. Also, that he has been doing some sampling of ore value on the site, and intends to start mining in earnest in the Spring.

I asked Mr. Light to have the facilities moved out of the creek bed, by June of 1991, and to obtain, as soon as possible, a permit for the outhouse from the Dept. of Health, Bureau of Drinking Water and Sanitation. I also indicated to Mr. Light that any mechanized disturbance to the stream channel itself would not be permissible. I asked too, that Mr. Light make sure his activity stay on State Lands and Forestry property and not infringe onto Wildlife Resources property.

Mr. Mansfield asked that Mr. Light complete his lease application, which he signed and submitted on December 6, 1990. Mr. Mansfield also explained to Mr. Light that a bond would be required for use of the property, in the amount of \$5,000/acre (standard requirement, described in the State Land and Forestry rules addressing minerals leases).

jb

cc: Bruce Giunta, Div. of Wildlife Resources, Spanish Fork District
Jerry Mansfield, State Lands and Forestry
Wayne Hedberg, Oil, Gas and Mining
MNS049017.1

